IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.31419 of 2008
MANTOO KUMAR @ SANTOO
Versus
STATE OF BIHAR
With

Cr.Misc. No.34895 of 2008

AJAY @ BABLU TIWARI
Versus

THE STATE OF BIHAR
– – – –

2. 19.8.2008 Heard learned counsel appearing for the petitioner Mantoo Kumar alias Santoo. None appears on behalf of the petitioner Ajay alias Bablu Tiwari. I have also heard learned Additional Public Prosecutor.

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The case is under Sections 394,395 and 397 of the Indian Penal Code and Sections 3,4 and 5 of the Explosive Substances Act and the petitioners are not named in the F.I.R. and in spite of their being in custody they were not put on the Test Identification Parade. It is contended that there is no material except the one in paragraph 34 of the case diary indicating as if the petitioner Mantoo Kumar alias Santoo had received some injuries. The further contention is that there was no material indicating as if the said petitioner had indeed received injuries in the same occurrence. The confessional statement of a

co-accused is the basis of implicating the petitioner Mantoo Kumar alias Santoo and also the other accused Ajay alias Bablu Tiwari.

Under the facts of the case and the contention, let the above named two petitioners be directed to be released from custody on their furnishing bonds each of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, in Kotwali P.S. Case No. 45 of 2008.

Kanth

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(Dharnidhar Jha, J.)